IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 785 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DILIPSINGH RAMSWARUPSINGH YADAV

Versus

STATE OF GUJARAT

Appearance:

MR NL PATEL for Petitioner

MR SAMIR DAVE, APP, for Respondent No. 1

NOTICE SERVED for Respondent No. 2

NOTICE SERVED BY DS for Respondent No. 3,10

MR HR SOLANKI for Respondent No. 4

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 17/04/2001

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2 In this petition five prayers have been made by the petitioner. So far as the first prayer is concerned, it is a general prayer for the enforcement of the fundamental rights of the petitioner. Prayer B is to issue direction to the State Government and D.S.P., Gandhinagar, to provide proper police protection to the life, liberty and property of the petitioner, his family members, brothers and tenants. This prayer is made by the petitioner not only for himself but for other persons who are not before this Court. The other persons mean brothers and tenants. Be that as it may, Shri Samir Dave, learned APP, submits that D.S.P., Gandhinagar, will consider if such a request is made by the petitioner. Learned counsel for the petitioner submits that an application has been filed before the D.S.P., Gandhinagar, by the petitioner. Instead of entering into this arena of disputed questions of fact it is open to the petitioner where he considers that police protection is necessary, to make fresh application. When the petitioner makes an application the same shall be considered and decided by the D.S.P., Gandhinagar, within a period of seven days from date of the receipt thereof.

3 Prayer C is to direct the respondent no.3 to remove the encroachment made by respondent no.4 to 9 and their relatives on public way. Prayer D is to dispense with filing of affidavit by the petitioner in support of this petition as his life is in danger in the hands of his opponents.

4 Respondent no.3 is Taluka Development Officer. Where the petitioner considers that respondents nos.4 to 9 have made any encroachment, the proper remedy available for him to approach to the respondent no.3 or Civil Court. For this relief, this petition is not appropriate remedy at this stage. Prayer D is concerned, it is again a general prayer and in fact it seems to be not correct which is clearly borne out from the fact that the petitioner has filed affidavit attested at Ahmedabad.

4 Prayer E is a general prayer.

5 This Special Civil Application is, with the aforesaid observations, dismissed accordingly with no order as to costs.

(S.K. Keshote, J.)
(mohd)